

103D CONGRESS  
1ST SESSION

# H. R. 864

To prohibit the entry into the United States of items produced, grown, or manufactured in the People's Republic of China with the use of forced labor.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1993

Mr. SOLOMON introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To prohibit the entry into the United States of items produced, grown, or manufactured in the People's Republic of China with the use of forced labor.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. PROHIBITION OF ARTICLES USING FORCED**  
4       **LABOR.**

5       (a) IN GENERAL.—Notwithstanding any other provi-  
6       sion of law, no product, growth, or manufactured article  
7       of the People's Republic of China shall enter or be im-  
8       ported into the United States unless—

1           (1) the Secretary of the Treasury (hereafter in  
2       this section referred to as the “Secretary”) deter-  
3       mines that such product, growth, or manufactured  
4       article is not the product, growth, or manufacture of  
5       forced labor; and

6           (2) such determination is based on consulta-  
7       tions described in subsection (b) and a certification  
8       submitted to the Secretary in accordance with sub-  
9       section (c).

10       (b) RIGHT OF INSPECTION AND CONSULTATION.—

11   The United States shall use all diplomatic efforts to per-  
12   suade the People’s Republic of China to permit represent-  
13   atives of international humanitarian and intergovern-  
14   mental organizations, such as the International Labor Or-  
15   ganization and the International Committee of the Red  
16   Cross, to periodically inspect all camps, prisons, and other  
17   facilities holding detainees and the Secretary shall consult  
18   with representatives of such organizations to assure that  
19   products of the People’s Republic of China which are for  
20   export are not being produced with the use of forced labor.

21       (c) CERTIFICATION.—The Secretary shall prescribe  
22   the form and content of the certification (including docu-  
23   mentation) for submission in connection with any product,  
24   growth, or manufactured article of the People’s Republic  
25   of China that satisfies the Secretary that the importer has

1 taken steps to ensure that such product was not produced,  
2 grown, or manufactured with the use of forced labor.

3 (d) PENALTIES.—

4 (1) UNLAWFUL ACTS.—It is unlawful to—

5 (A) bring or import into the United States  
6 any product or article if such importation is  
7 prohibited under subsection (a), or

8 (B) make a false certification under sub-  
9 section (c).

10 (2) CIVIL PENALTIES.—Any person or entity  
11 who violates paragraph (1) shall be subject to a civil  
12 penalty of—

13 (A) not more than \$10,000 for the first  
14 violation,

15 (B) not more than \$100,000 for the sec-  
16 ond violation, and

17 (C) not more than \$1,000,000 for more  
18 than two violations.

19 (3) CONSTRUCTION.—Except as provided in  
20 paragraph (2), the unlawful acts described in para-  
21 graph (1) shall be treated as violations of the cus-  
22 toms laws for purposes of applying the enforcement  
23 provisions of the Tariff Act of 1930 (19 U.S.C.  
24 1581 through 1641).

25 (e) DEFINITIONS.—For purposes of this section:

1           (1) FORCED LABOR.—The term “forced labor”  
2       means all work or service which is exacted from any  
3       person under the menace of any penalty for its non-  
4       performance and for which the worker does not offer  
5       himself voluntarily.

6           (2) PRODUCT, GROWTH, OR MANUFACTURED  
7       ARTICLE.—A product, growth, or manufactured arti-  
8       cle shall be treated as being a product, growth, or  
9       manufacture of forced labor if—

10           (A) the article was fabricated, assembled,  
11       or processed, in whole or in part;

12           (B) contains any part that was fabricated,  
13       assembled, or processed in whole or in part; or

14           (C) was grown, harvested, mined, quarried,  
15       pumped, or extracted,

16       with the use of forced labor.

17           (3) ENTER OR BE IMPORTED.—The term  
18       “enter or be imported” means entered, or withdrawn  
19       from warehouse for consumption, in the customs ter-  
20       ritory of the United States.

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